

a non-machined trunion radially provided on the spider, the trunion comprising an undercut adjacent the spider, a cylindrical surface, and a snap ring groove axially spaced from the undercut;

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(could) a bearing assembly press-fit onto the trunion between the spider and snap ring groove, the bearing assembly comprising an inner race, an outer race, and a plurality of needle rollers interposed therebetween to permit relative rotation between the inner and outer race; and

means for axially [and angularly] retaining the bearing assembly to the spider.

REMARKS

Applicants' undersigned attorney thanks the Examiner for a kind and thorough review of the Application. The Examiner has apparently accepted Applicants' arguments relating to the previously asserted prior art §103(a) rejections of claims 2 - 5 and 10 - 12, and has accordingly withdrawn those rejections. The Examiner has raised new grounds for rejecting claims 2 - 5 and 10 - 12, and has continued to reject claim 1 under §102(b).

In paragraph 3 of the Office Action, the Examiner objects to the drawings for failure to show "a means for angularly retaining the bearing on the trunion." While Applicants do not concur with the Examiner's position and reserve the right to contest this position, the element of a "means for angularly retaining the bearing on the trunion" has been cancelled from the pending claims, and therefore, the Examiner's objection is rendered moot. Particularly, claim 3 has been cancelled and the requirement of angularly retaining the bearing on the trunion has been removed from claim 10. For these reasons, the Examiner's rejections of claims 3 - 5 and 10 - 12 under 35 U.S.C. § 112, first paragraph (i.e., paragraph 4 of the Office Action) have likewise been rendered moot. That is, since the Examiner's §112, first paragraph rejections related only to the "means

for angularly retaining the bearing on the trunion," and this requirement is no longer present within any of the pending claims, the Examiner's rejections should be withdrawn.

In paragraph 5 of the Office Action, the Examiner has rejected claims 2 - 5 and 10 - 12 under 35 U.S.C. § 101 for lack of utility. Particularly, the Examiner has stated:

The invention is inoperative because a non-machined outer surface on the trunion (see claims 2 & 10) will prevent relative rotation between the trunion and the inner bearing race. Without an allowance for such rotation, there is no means for the tripod to accommodate angular deflection. . . .

While the Examiner is correct that the non-machined outer surface of the trunion will substantially prevent relative rotation between the inner race and the trunion, such relative rotation is not necessary to accommodate angular deflection, and clearly does not prevent relative rotation between the outer race and the trunion. In the present invention, the outer race (e.g., outer race 48) rotates relative to the trunion and accommodates angular deflection. This is fully and expressly disclosed by the Applicants on page 4, line 31 - page 5, line 5 of the pending application which states:

The outer race 48 rotates circumferentially about the trunion 20. The outer member (not shown) is able to rotate or move axially relative to the outer race 48 in a manner known to one of ordinary skill in the art, similar to the manner described in U.S. patent 4,693,698, which is incorporated herein by reference. The tripod thus accommodates any angular deflection of the joint or relative axial movement.

Hence, as explained by Applicants, the relative rotation of the outer race about the trunion (and inner race) along with outer member, accommodates the angular deflection and renders the claimed invention functional for its intended purpose. The function is provided without the need to machine the trunion. In fact, it is this specific utility (i.e., not requiring a machined trunion) which provides significant advantages over the prior art.

Particularly, the provided benefits and advantages of Applicants' invention emanate from

the creation of a bearing assembly which is specifically and intentionally adapted to be prevented from or incapable of swiveling on the tripod. For example and without limitation, as described on page 4 of the pending Application, "[t]he press fit of the bearing to the trunion and the inner race 42 **eliminate the need for machining** (such as turning or grinding) of the outer diameter of the trunion 20 since it is not a bearing surface. . . ." (Emphasis added). As further explained within the pending Application, the press fit mounting further allows the bearing assembly to "be shipped as a modular unit and pressed fit onto the trunion 14 in a simple manner, without the need to handle loose needles at the tripod assembly source." Applicants' "press fit" mounting "also aids in axially retaining the bearing 40 to the trunion 20." (Application at page 4, lines 29-30).

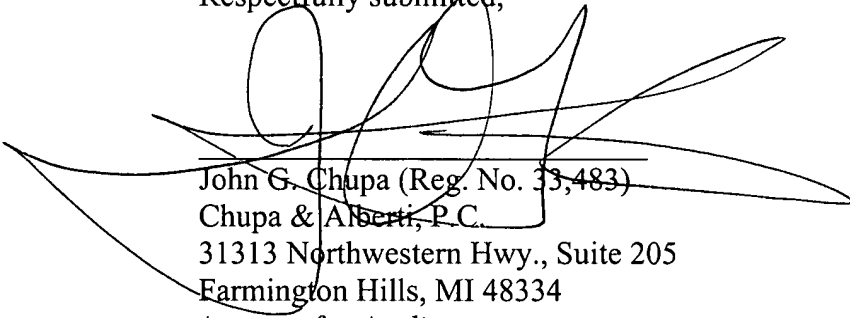
For all of these reasons, the inventions of claims 2 - 5, and 10 - 12 do **not** lack utility, and thus, the Examiner's rejections of these claims should be withdrawn. Since the Examiner has not made any other rejections or objections to these claims and has withdrawn the §103(a) rejections of the previous Office Action, Applicants' undersigned attorney respectfully asserts that these claims are in condition for allowance. Such allowance is requested.

In paragraphs 7 and 8, the Examiner continues to assert the §102(b) rejection of claim 1 as being unpatentable over Van Dest. While the Examiner has apparently accepted the "substance" of Applicants' previously submitted arguments regarding the failure of Van Dest to disclose an engagement between the inner race and trunion which prevents relative rotation, the Examiner has asserted that this limitation is **not** found in claim 1. Particularly, the Examiner maintains the rejection because "the feature upon which applicant relies, (engagement between the inner race and the trunnion which prevents relative rotation) is not recited in the rejected claim." Applicants' undersigned attorney has amended claim 1 in accordance with the

Examiner's comments to include the limitation that the press-fit engagement between the inner race and trunion is "effective to substantially prevent angular displacement between the inner race and trunion." The amendment of claim 1 to include this language thus renders the Examiner's rejection moot. For all of these reasons, Applicants' undersigned attorney respectfully asserts that claim 1 is in condition for allowance. Such allowance is respectfully requested.

For all of the above reasons, Applicants respectfully request that claims 1 - 2, 4 - 5 and 10 - 12 be allowed. If the Examiner has any further questions regarding this matter, he is invited to call Applicants' undersigned attorney at (248) 865-9588.

Respectfully submitted,

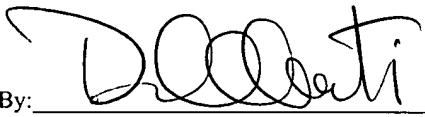


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CERTIFICATION UNDER 37 C.F.R. 1.8

I hereby certify that the foregoing First Amendment and Response and petition for one month extension of time being deposited with the United States Postal Service in an envelope as First Class Mail addressed to the Commissioner for Patents and Trademarks, Washington, DC 20231 on this 2nd day of May 2000.

By:



DAVID ALBERTI